



## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-351-849]

#### **Emulsion Styrene-Butadiene Rubber from Brazil: Preliminary Results of Antidumping Duty Administrative Review; 2019-2020**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (Commerce) has preliminarily assigned ARLANXEO Brasil S.A. (ARLANXEO Brasil), the sole respondent subject to this antidumping duty (AD) administrative review, an AD margin based on the application of adverse facts available (AFA). We invite interested parties to comment on these preliminary results.

**DATES:** Applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

**FOR FURTHER INFORMATION CONTACT:** Drew Jackson, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue, NW, Washington, DC 20230; telephone: (202) 482-4406.

#### **SUPPLEMENTARY INFORMATION:**

##### Background

On October 30, 2020, Commerce published in the *Federal Register* the notice of initiation of an antidumping duty administrative review on emulsion styrene-butadiene rubber (ESB rubber) from Brazil, covering ARLANXEO Brasil for the period of review (POR) September 1, 2019, through August 31, 2020.<sup>1</sup> On November 19, 2020, Commerce issued the AD questionnaire to the sole mandatory respondent, ARLANXEO Brasil.<sup>2</sup> ARLANXEO Brasil did not respond to the AD questionnaire.

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<sup>1</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 85 FR 68840 (October 30, 2020).

<sup>2</sup> See Commerce's Letter, Initial AD Questionnaire, dated November 19, 2020 (AD Questionnaire).

For a complete description of the events that followed the initiation of this review, see the Preliminary Decision Memorandum.<sup>3</sup> The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Preliminary Decision Memorandum is available at <http://enforcement.trade.gov/frn/>.

### Scope of the Order

The product covered by this review is certain ESB rubber from Brazil. For a full description of the scope *see* the Preliminary Decision Memorandum.

### Methodology

Commerce is conducting this review in accordance with sections 751(a)(1)(B) and (2) of the Tariff Act of 1930, as amended (the Act). Commerce is preliminarily relying upon facts otherwise available to determine a weighted-average dumping margin for ARLANXEO Brasil in this review. Commerce preliminarily finds that necessary information is not available on the record, and that ARLANXEO Brasil withheld information requested by Commerce, failed to provide the requested information in the form and manner requested, and significantly impeded the proceeding, warranting a determination on the basis of the facts available under sections 776(a)(1) and (2)(A)-(C) of the Act. Further, Commerce preliminarily determines that ARLANXEO Brasil failed to cooperate to the best of its ability, and thus, Commerce is applying AFA in determining a margin for ARLANXEO Brasil, in accordance with section 776(b) of the Act. For a full description of the methodology underlying our conclusions regarding the application of AFA, see the Preliminary Decision Memorandum.

### Preliminary Results of the Administrative Review

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<sup>3</sup> See Memorandum, "Decision Memorandum for the Preliminary Results of the Third Antidumping Duty Administrative Review: Emulsion Styrene Butadiene Rubber from Brazil; 2019-2020," dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

We preliminarily determine that the following weighted-average dumping margin exists for the period September 1, 2019 through August 31, 2020:

Exporter/Producer	Weighted-Average Margin
ARLANXEO Brasil S.A.	67.99 percent

#### Assessment Rate

Upon completion of the administrative review, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.<sup>4</sup> If the preliminary results are unchanged for the final results, we will instruct CBP to apply an *ad valorem* assessment rate equal to ARLANXEO Brasil's weighted-average dumping margin in the final results of this review to all entries of subject merchandise during the POR from ARLANXEO Brasil.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the *Federal Register*. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

#### Cash Deposit Requirements

The following deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for ARLANXEO Brasil will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is less than 0.50

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<sup>4</sup> See section 751(a)(2)(C) of the Act.

percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not subject to this review, the cash deposit will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this or a previously completed review, or in the original less-than-fair-value (LTFV) investigation, but the producer is, the cash deposit rate will be the rate established for the most recent segment for the producer of the merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 19.61 percent, the all-others rate established in the LTFV investigation.<sup>5</sup> These cash deposit requirements, when imposed, shall remain in effect until further notice.

### Disclosure

Normally, Commerce discloses the calculations performed in connection with preliminary results to interested parties within five days after the date of public announcement or publication of this notice.<sup>6</sup> Because Commerce preliminarily applied a rate based entirely on AFA in accordance with section 776 of the Act, to the only mandatory respondent in this review, there are no calculations to disclose.

### Public Comment

Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs to the Assistant Secretary for Enforcement and Compliance not later than 30 days after the date of publication of this notice, unless the Secretary alters the time limit. Rebuttal briefs, limited to issues raised in

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<sup>5</sup> See *Emulsion Styrene-Butadiene Rubber from Brazil: Final Affirmative Determination of Sales at Less Than Fair Value and Final Negative Determination of Critical Circumstances*, 82 FR 33048 (July 19, 2019); see also *Emulsion Styrene-Butadiene Rubber From Brazil, the Republic of Korea, Mexico, and Poland: Antidumping Duty Orders*, 82 FR 42790 (September 12, 2017).

<sup>6</sup> See 19 CFR 351.224(b).

the case briefs, may be filed not later than seven days after the date for filing case briefs.<sup>7</sup> Parties who submit case briefs or rebuttal briefs in this administrative review are encouraged to submit with each argument: (1) a statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.<sup>8</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, filed electronically via ACCESS. An electronically filed document must be received successfully in its entirety by Commerce's electronic records system, ACCESS, by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.<sup>9</sup> Requests should contain: (1) the party's name, address and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined.<sup>10</sup>

#### Final Results of Review

Commerce intends to issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of these preliminary results in the *Federal Register*, pursuant to section 751(a)(3)(A) of the Act, unless extended.

#### Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement

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<sup>7</sup> See 19 CFR 351.309(d); *see also* Temporary Rule Modifying AD/CVD Service Requirements Due to COVID-19; Extension of Effective Period, 85 FR 41363 (July 10, 2020).

<sup>8</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>9</sup> See 19 CFR 351.310(c).

<sup>10</sup> *Id.*

could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Notification to Interested Parties

Commerce is issuing and publishing these results in accordance with sections 751(a)(1) and 777(i) of the Act and 19 CFR 351.221(b)(4).

Dated: June 2, 2021.

Christian Marsh,  
Acting Assistant Secretary for Enforcement and Compliance.

## **Appendix**

### **List of Topics Discussed in the Preliminary Decision Memorandum**

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Application of Facts Available and Use of Adverse Inferences
- V. Recommendation

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